

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

OUMAR ABDALLAH,
Plaintiff,

W.

**ALLEGHENY VALLEY SCHOOL ET AL.,
Defendants.**

ORDER

CIVIL ACTION

NO. 10-5054

FILED

Feo + 12011

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

AND NOW, this 31 day of January, 2011, upon consideration of Defendant Allegheny Valley School's Motion To Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 8) and Plaintiff Oumar Abdallah's Response in Opposition thereto (Doc.9), **IT IS HEREBY ORDERED AND DECREED** that as follows:

- The Motion to Dismiss Count I of the Complaint is **DENIED**.
- The Motion to Dismiss Count III of the Complaint is **GRANTED**.

BY THE COURT:

Petrese B. Tucker
Hon. Petrese B. Tucker, U.S.D.J.